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defendant's attorney of record, thereafter made an order for the payment of alimony. *Held*, that it has power to do so. *McSherry v. McSherry*, 77 Atl. 653 (Md.).

Although a divorce may be granted *ex parte* at the domicile of one of the parties, a decree for alimony, being *in personam*, is of no effect unless the court has personal jurisdiction of the defendant. *Prosser v. Warner*, 47 Vt. 667. Similarly, a court which grants a divorce cannot enjoin the defendant unless he is within its jurisdiction. See *De la Montanya v. De la Montanya*, 112 Cal. 101. *Contra*, *Kempson v. Kempson*, 63 N. J. Eq. 783. But if personal jurisdiction is once acquired, it is retained for the purpose of settling all questions involved in that suit, including the determination of a writ of error. *Fitzsimmons v. Johnson*, 90 Tenn. 416. Thus a court which has properly made an order for the payment of alimony may retain the power to modify it. *Galusha v. Galusha*, 138 N. Y. 272; *Olney v. Watts*, 43 Oh. St. 499. The decision in the principal case, therefore, seems sound. For a discussion of similar jurisdictional questions involved in awarding the custody of children, see 24 HARV. L. REV. 142.

CONSTITUTIONAL LAW — PERSONAL RIGHTS OF THE INDIVIDUAL — CAN A STATE ABOLISH INSANITY AS A DEFENSE IN CRIMINAL ACTIONS. — A statute provided that insanity should be no defense in criminal actions, but that the presiding judge might, at his discretion, commit to an insane asylum any person convicted, who in his opinion was insane. The state constitution provided that, "No person shall be deprived of life, liberty, or property without due process of law," and that, "The right to trial by jury shall remain inviolate." *Held*, the statute in question violated both the above provisions. *State v. Strasburg*, 110 Pac. 1020 (Wash.) See NOTES, p. 225.

CONSTITUTIONAL LAW — POWERS OF CONGRESS: IMPLIED POWERS — FORBIDDING INTERSTATE TRANSPORTATION OF PRODUCTS UNDER PURE FOOD LAW. — The United States brought a libel for forfeiture of goods under the Pure Food Law. A demurrer was filed on the ground that the statute was unconstitutional. *Held*, that the statute is constitutional. *United States v. Seventy-four Cases of Grape Juice*, 181 Fed. 629 (Dist. Ct., W. D. N. Y.).

The plaintiff sought to enjoin certain government officials from seizing its goods in interstate shipments, under the Pure Food Law, on the ground that the act was unconstitutional. *Held*, that the statute is constitutional. *Shawnee Milling Co. v. Temple*, 179 Fed. 517 (Circ. Ct., S. D. Ia.).

Interstate commerce is defined as intercourse and traffic among the states, including navigation and the transportation of persons and property, as well as the purchase, sale, and exchange of commodities. *County of Mobile v. Kimball*, 102 U. S. 691. Goods in the process of interstate shipment, therefore, are subject to whatever regulations Congress may impose in the proper exercise of its control over interstate commerce. See *Gibbons v. Ogden*, 9 Wheat. (U. S.) 1. But the purpose of the Pure Food Law was clearly the protection of the public health and not the regulation of commerce as such. A statute must be judged by its real purpose and not its incidental one. See *Minnesota v. Barber*, 136 U. S. 313. Since the protection of the public health is an exercise of police power, which, not being expressly given to the national government, is supposed to reside in the states, at first blush the statute would seem to be unconstitutional. But the national government as incidental to the regulation of commerce can exercise the police power and regulate commerce so as to protect the national health. See *Lottery Case*, 188 U. S. 321, 357; *COOLEY*, CONST. LIM. 723. But see 23 HARV. L. REV. 441, 445, *et seq.* Hence the statute is constitutional; but the case is interesting as showing how far the courts have departed from the real meaning of the commerce clause. See *Veazie v. Moor*, 14 How. (U. S.) 568, 574.